

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEAD CREATION INC.,

Plaintiff,

-V-

HANGZHOU YUEJI E-COMMERCE CO. LTD., et al.,

Defendants.

22-CV-10377 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On March 10, 2023, MAH Advising LLC moved to withdraw as counsel to Plaintiff Lead Creation Inc., citing “fundamental ethical and good faith disagreements.” ECF No. 128,

¶ 2. Counsel further represents that it has been terminated by Plaintiff. *See id.* ¶ 4. Defendants Shenzhen Sen Zhi Run Dian Zi Shang Wu Co., Ltd. and Haikoushi Lvquan Trading Co., Ltd. (“Defendants”) oppose the motion, arguing that there are various unanswered questions regarding, among other things, the relationship between counsel and Plaintiff and whether or to what extent counsel and Plaintiff conducted a good-faith investigation prior to filing this lawsuit. ECF No. 141, ¶¶ 14-17, 19-21, 28. Defendants’ filings certainly raise some valid questions, but those questions ultimately bear on whether or to what extent attorney’s fees or sanctions should be imposed on either or both Plaintiff and its counsel, not on whether counsel should be permitted to withdraw. Given counsel’s representations and the posture of the case, the Court concludes that withdrawal is justified and, thus, GRANTS counsel’s motion to withdraw. That said, and to be clear, the Court retains jurisdiction over counsel (and Plaintiff) with respect to all collateral matters, including Defendants’ pending motions to recover on the TRO bond and for attorney’s fees, any motion for sanctions, and discovery in aid of these matters. To that end, the Clerk of Court should


terminate MAH Advising as counsel, but MAH Advising should continue to receive all ECF notifications in this case.

That leaves three pending motions filed by Defendants: (1) their motion to recover on the TRO bond filed on March 7, 2023, ECF No. 115; (2) their motion for attorney's fees filed on March 13, 2023, ECF No. 134; and (3) their letter-motion for discovery from MAH Advising and Plaintiff, presumably in aid of a potential sanctions motion, filed on March 23, 2023, ECF No. 145. With respect to the first two motions, the Court grants Plaintiff an extension until **April 13, 2023**, to file its consolidated opposition, not to exceed 25 pages, to permit Plaintiff an opportunity to find new counsel. The Court notes that, as a corporate entity, Plaintiff may appear in federal court **only** through counsel. *See Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007). If counsel has not appeared and filed an opposition to the motion by April 13, 2023, the Court will treat these two motions as unopposed. If counsel does appear and files opposition, Defendants shall file any reply by **April 20, 2023**. With respect to Defendants' letter-motion seeking discovery, any opposition — by MAH Advising or Plaintiff (again, through counsel) — must be filed by **March 28, 2023**, in the form of a letter not to exceed three pages.

MAH Advising LLC is directed to serve a copy of this Order on Plaintiff by **March 27, 2023**, and shall file proof of service on the docket by **March 28, 2023**. The Clerk of Court is directed to terminate ECF No. 128 and to terminate MAH Advising as counsel, but shall ensure that MAH Advising continues to receive all ECF notifications in this case.

SO ORDERED.

Dated: March 24, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge